

UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,
Plaintiffs,

vs.

JEFFREY DERDERIAN, et al.,
Defendants.

C.A. NO.: 04-312 L

ESTATE OF JUDE B. HENAULT, et al.,
Plaintiffs,

vs.

AMERICAN FOAM CORPORATION, et al.,
Defendants.

RULE 12(B)(6) MOTION TO DISMISS SWEET PLAINTIFFS¹
PRO FORMA COMPLAINT AND/OR ADOPTION OF FIRST AMENDED
MASTER COMPLAINT BY DEFENDANTS²

Without waiving any of its defenses related to service of process³, GFC⁴ hereby respectfully moves this Court, pursuant to Federal Rules of Civil Procedure 12(b)(6) to dismiss the claims asserted against GFC on the grounds that plaintiffs fail to state a cause of action against GFC as a matter of law. GFC hereby adopts the Supplemental Memorandum filed in support of its Rule 12(b)(6) Motion to Dismiss Gray Plaintiffs' First Amended Master Complaint, which incorporates by reference GFC's previously filed Rule 12(b)(6) Motion and accompanying

¹ All plaintiffs named in Charles Sweet, et al vs. Jeffrey Derderian, et al, C.A. No. 04-56 L

² All parties represented by counsel: General Foam Corporation, GFC Foam, LLC, Foamex, LP, Foamex International, Inc., FMXI, Inc., PMC, Inc. and PMC Global, Inc.

³ GFC states that its counsel has received a copy of a Notice of Adoption of First Amended Master Complaint and/or Pro Forma Complaint adopting First Amended Master Complaint in Sweet, et al v. Derderian, et al (C.A. No. 04-56 L). Only Foamex International has been served with service of process in this case. The remaining GFC defendants have never been served with service of process in this case. To the extent this pleading is before the Court and in response thereto, GFC submits this Motion to Dismiss.

⁴ "GFC" shall refer collectively to Defendants General Foam Corporation, GFC Foam, LLC, Foamex LP, Foamex International, Inc., FMXI, Inc., PMC, Inc., and PMC Global, Inc.

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UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,
Plaintiffs,

vs.

JEFFREY DERDERIAN, et al.,
Defendants.

C.A. NO.: 04-312 L

ESTATE OF JUDE B. HENAULT, et al.,
Plaintiffs,

vs.

AMERICAN FOAM CORPORATION, et al.,
Defendants.

RULE 12(B)(6) MOTION TO DISMISS RODERIGUES PLAINTIFFS'
PRO FORMA COMPLAINT AND/OR ADOPTION OF FIRST AMENDED
MASTER COMPLAINT BY DEFENDANTS²

Without waiving any of its defenses related to service of process³, GFC⁴ hereby respectfully moves this Court, pursuant to Federal Rules of Civil Procedure 12(b)(6) to dismiss the claims asserted against GFC on the grounds that plaintiffs fail to state a cause of action against GFC as a matter of law. GFC hereby adopts the Supplemental Memorandum filed in support of its Rule 12(b)(6) Motion to Dismiss Gray Plaintiffs' First Amended Master Complaint, which incorporates by reference GFC's previously filed Rule 12(b)(6) Motion and accompanying

¹ All plaintiffs named in Linda Roderiques, et al vs. Jeffrey Derderian, et al, C.A. No. 04-26 L

² All parties represented by counsel: General Foam Corporation, GFC Foam, LLC, Foamex, LP, Foamex International, Inc., FMXI, Inc., PMC, Inc. and PMC Global, Inc.

³ GFC states that its counsel has received a copy of a Notice of Adoption of First Amended Master Complaint and/or Pro Forma Complaint adopting First Amended Master Complaint in Roderiques, et al v. Derderian, et al (C.A. No. 04-26 L). Only Foamex International has been served with service of process in this case. The remaining GFC defendants have never been served with service of process in this case. To the extent this pleading is before the Court and in response thereto, GFC submits this Motion to Dismiss.

⁴ "GFC" shall refer collectively to Defendants General Foam Corporation, GFC Foam, LLC, Foamex LP, Foamex International, Inc., FMXI, Inc., PMC, Inc., and PMC Global, Inc.



UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,	:	
Plaintiffs,	:	
	:	
vs.	:	C.A. NO.: 04-312 L
	:	
JEFFREY DERDERIAN, et al.,	:	
Defendants.	:	
	:	
ESTATE OF JUDE B. HENAULT, et al.,	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
AMERICAN FOAM CORPORATION, et al.,	:	
Defendants.	:	

RULE 12(B)(6) MOTION TO DISMISS GUINDON PLAINTIFFS¹
PRO FORMA COMPLAINT AND/OR ADOPTION OF FIRST AMENDED
MASTER COMPLAINT BY DEFENDANTS²

Without waiving any of its defenses related to service of process³, GFC⁴ hereby respectfully moves this Court, pursuant to Federal Rules of Civil Procedure 12(b)(6) to dismiss the claims asserted against GFC on the grounds that plaintiffs fail to state a cause of action against GFC as a matter of law. GFC hereby adopts the Supplemental Memorandum filed in support of its Rule 12(b)(6) Motion to Dismiss Gray Plaintiffs' First Amended Master Complaint, which incorporates by reference GFC's previously filed Rule 12(b)(6) Motion and accompanying

¹ All plaintiffs named in George Guindon, et al vs. Jeffrey Derderian, et al, C.A. No. 03-335 L

² All parties represented by counsel: General Foam Corporation, GFC Foam, LLC, Foamex, LP, Foamex International, Inc., FMXI, Inc., PMC, Inc. and PMC Global, Inc.

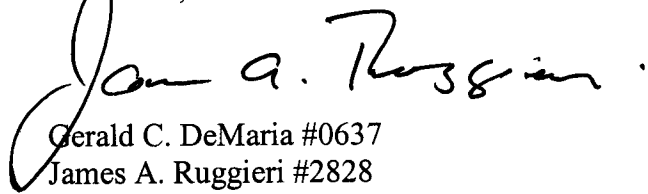
³ GFC states that its counsel has received a copy of a Notice of Adoption of First Amended Master Complaint and/or Pro Forma Complaint adopting First Amended Master Complaint in Guindon, et al v. Derderian, et al (C.A. No. 03-335 L). Only Foamex International has been served with service of process in this case. The remaining GFC defendants have never been served with service of process in this case. To the extent this pleading is before the Court and in response thereto, GFC submits this Motion to Dismiss.

⁴ "GFC" shall refer collectively to Defendants General Foam Corporation, GFC Foam, LLC, Foamex LP, Foamex International, Inc., FMXI, Inc., PMC, Inc., and PMC Global, Inc.

Memorandum, as well as GFC's Reply Memorandum to Plaintiffs' Objections to Motion to Dismiss. For the reasons set forth in those memoranda, GFC requests that all claims asserted against GFC in the plaintiffs' complaint be dismissed with prejudice.

Defendants⁵,
By Their Attorneys,

HIGGINS, CAVANAGH & COONEY

A handwritten signature in black ink, appearing to read "James A. Ruggieri", is written over the printed name and address.

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⁵ See n.2

CERTIFICATION OF SERVICE

I hereby certify that I caused to be served a copy of the within document in pdf format by electronic mail on the 23rd day of February, 2005, to the following counsel of record:

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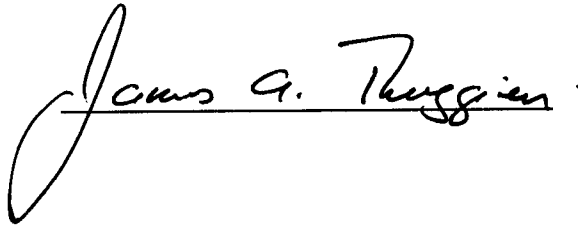
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A handwritten signature in black ink, reading "James A. Thuggien". The signature is written in a cursive style with a large, looping initial "J". A horizontal line is drawn across the middle of the signature, starting from the "J" and extending to the right.